UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _15 February 2008_.

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-4 and 17-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-4, 17-28_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-4 and 17-28 are pending. Applicant has amended claims 1, 4, 17, 20, canceled

claims 5-16 and added claims 21-28.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-2, 4, 17-18 and 20-28 are rejected under 35 U.S.C. 102(e) as being

anticipated by Crawford (U.S. 7,080,051 B1).

    As to claim 1, Crawford teaches a method comprising:

-     determining whether a task is allowed to use a service-enabled resource (Where a

      particular command is ... "customer computer"; col. 20, line 55 – col. 21, line 5),

      wherein the service-enabled resource is disabled until a fee is paid (Online service system

      ... return for fees; col. 14, lines 49-51 and Customers can be charged a flat fee; col. 69,

      line 5);

-     if the task is allowed to use the service-enabled resource, allocating the service-enabled

      resource to the task (commands inputted at the customer computer keyboard 56 will be

executed by the replica computer 160 processor if the "processor flag" at the customer

computer is set to "replica computer"; col. 20, lines 61-64); and

- if the task is not allowed to use the service-enabled resource, allocating a non-service

enable resource to the task, wherein no fee is required to use the non-service enable

resource (command inputted ... "customer computer"; col. 20, lines 57-61. Since the

customer computer processor is not online service and owns by the customer, customer

doesn't have to pay fee to use it.).

As to claim 2, Crawford teaches wherein the service-enabled resource comprises a

processor in a multi-processor system (Online service system 100; col. 16, lines 12-13 and Host

computer ... one or more main processor 106; col. 16, lines 29-31 and One-line service system

100 also includes at least one (and typical many) "replica computer" 160; col. 17, lines 20-31)

and the allocating further comprises dispatching the task to the processor ().

As to claim 4, Crawford teaches if the task is allowed to use the service-enabled resource,

dedicating the processor to a partition to which the task belongs (In the online-mode, the replica

computer 160 communicates interactively with customer computer 50 to perform processing

tasks; col. 17, lines 34-36 and commands inputted at the customer computer keyboard 56 will be

executed by the replica computer 160 processor if the "processor flag" at the customer computer

is set to "replica computer"; col. 20, lines 61-64).

As to claim 25, Crawford teaches the service-enabled resource comprises memory (drive resource, i.e., shared virtual disks; col. 20, line 53 and col. 18, lines 21-28).

As to claim 26, Crawford teaches wherein the service-enabled resource comprises an I/O card (Customer Drive Services allow customer access to virtual disks ... single user access; col. 15, lines 36-44. Thus, in order for customer computer to access other computer virtual disk, I/O card is needed during the process.2).

As to claim 27, Crawford teaches wherein the service-enabled resource comprises network bandwidth (Electronic Media Services ... media transport ... fax service; col. 15, lines 26-35).

As to claim 28, Crawford teaches checking a data structure comprising task identifiers and service-enabled indicators, wherein the respective service-enabled indicator indicates whether the task identified by the respective task identifier is allowed to use the service-enabled resource ("drive translation", "driver translation table"; col. 21, line 48 – col. 23, line 8).

As to claim 17, see rejection of claim 1 above. Crawford further teaches configuring the computer to perform all the steps of claim 1 (computer customer 50; col. 16, lines 11-26 and col. 20, lines 55-64).

As to claim 18, see rejection of claim 2 above.

As to claim 20, see rejection of claim 4 above.

As to claims 21-24, see rejections of claims 25-28 above.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Crawford (U.S. 7,080,051 B1) in view of Diane L. Davidson et al. (Dynamic Resource

Brokering for Multi-User Query Execution).

As to claim 3, Crawford does not teach adding the processor to a shared pool associated

with a partition to which the task belongs.

However, Davidson teaches adding the processor to a shared pool associated with a

partition to which the task belongs (via associating the resource / processor bandwidth to a query,

thereby adding the resource / processor bandwidth to the resources / minimum resources already

associated with the query) (see page 281 – 282, Introduction; pages 283-284, Resource Broker

Framework, in particular, (page 283) "When the query does gain admission to the system, the

operators in the query are permitted to bid for resources … (page 284) When a query is

scheduled, its operators become eligible to bid for resources under the control of the allocation

policy. Each bidder, or operator is guaranteed some resource allocation: the amount of this

allocation is a policy decision but is at least the minimum around the resources that the operator

requires to execute ... Remaining resources are then sold to the highest bidder ... The broker

dynamically adapts to changes in workload by adjusting previous resource allocation decisions,

necessitating adaptable algorithms. The operators must bid for resources multiple times during

their execution, where the result of a bid may be an increase, decrease, or no change in the

operator's previous allocation.").

It would have been obvious to one of ordinary skill in the art to apply the teaching of

Davidson to the system of Crawford because Davidson teaches a method that address the

difficult problem of managing resources in a multiple-query environment composed of queries

with widely varying resource requirement, and this method maximize system performance in a

multi-user query environment because resources such as memory, disk bandwidth and processor

bandwidth allocated effectively during execution (page 281, abstract and Introduction).

As to claim 19, see rejection of claim 3 above.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-4 and 17-20 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DIEM K. CAO whose telephone number is (571)272-3760. The

examiner can normally be reached on Monday - Friday, 7:30AM - 3:00PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

DC
April 30, 2008